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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,196	05/07/2001	Jean-Francois Bodet	7343M	1416

27752 7590 03/01/2006

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/831,196

Applicant(s)

BODET ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-22 and 25-37 is/are pending in the application.  
4a) Of the above claim(s) 35-37 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17-22 and 25-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to applicants' amendment and response received December 23, 2005. Claims 17-22 and 25-37 are currently pending with claims 35-37 withdrawn.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 17-21 and 25-29, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Block et al, US 5,520,841.

Block et al teach alkaline cleaning concentrates comprising sodium hydroxide, sodium metasilicate, polyacrylic acid, and a nonionic surfactant base comprising a mixture of C12-18 (14EO) ethoxylated alcohol (high cloud point) and a butyl ether capped ethoxylated alcohol (low cloud point) (col. 7, example 1) Note that the ethoxylated alcohol of this invention has an HLB number of approximately 14. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the reference does not teach the inter facial tension, cloud point, and HLB value of the present claims. The

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examiner maintains that all of these limitations are inherently met by the composition of the reference as it is identical to the composition presently claimed.

2. Claims 17-21 and 25-29, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis, US 5,612,305.

Lewis teaches dishwashing detergents comprising a mixture of alkaline builders (carbonate, phosphates, and silicate) and a nonionic surfactant mixture of ethoxylated alcohol (high cloud point) and a propylene oxide capped ethoxylated alcohol (low cloud point) (col. 18, example 22). Note that at least surfactants N, Q, and W satisfy the cloud point and HLB values presently claimed (col. 14, table I). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the reference does not teach the inter facial tension, cloud point, and HLB value of the present claims. The examiner maintains that all of these limitations are inherently met by the composition of the reference as it is identical to the composition presently claimed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 17-22, and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, US 5,612,305 in view of Evans, US 5,218,980.

Lewis is relied upon as set forth above. Note that suitable additives of the invention include bleaching agents and enzymes (col. 7, lines 43-67 and col. 9, lines 53-58).

Lewis does not teach a dishwashing method utilizing ultrasonic energy. Such a method, however, of utilizing ultrasonic energy in a dishwasher is well known in the art. Evans teaches an ultrasonic dishwashing system wherein a pre-wash, a wash, and a post-wash rinse is performed in a dishwashing apparatus in conjunction with ultrasonic energy (col. 4, lines 37-52). It would have been obvious to one of ordinary skill in the art to use the detergent of Lewis in conjunction with the method of Evans as both the composition and method are well known in the art as a preferred composition and method for cleaning dishware. With respect to dishwashing additives such as amphoteric co-surfactants, these surfactants are well known in the art for use in dishwashing detergents and do not add patentable weight to the claims.

Applicants have traversed this rejection on the same grounds that set forth above and the examiner's response is the same.

### ***Conclusion***

This is a request for continued examination of applicant's earlier Application No. 09/831196. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS**

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**MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



	Charles I Boyer Primary Examiner Art Unit 1751
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